

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VALERIE MELROSE,

Plaintiff,

v.

**NEW YORK STATE DEPARTMENT OF
HEALTH OFFICE OF PROFESSIONAL
MEDICAL CONDUCT,**

Defendant.

05 Civ. 8778 (SCR) (LMS)

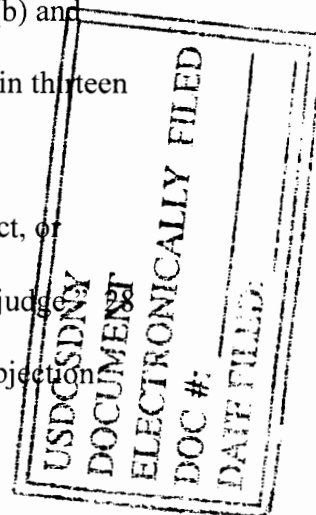
**MEMORANDUM ORDER
ACCEPTING REPORT
RECOMMENDATION**

STEPHEN C. ROBINSON, UNITED STATES DISTRICT JUDGE.

The plaintiff, Valerie Melrose, brought this action against the New York State Department of Health Office of Professional Medical Conduct (the “defendant”) alleging claims under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. § 12112-12117, the Rehabilitation Act, 29 U.S.C. § 794(a), Westchester County Human Rights Law § 700.03, and New York Executive Law § 296. The defendant filed a motion to dismiss all of Ms. Melrose’s claims, except for her Title VII claim. The matter was referred to United States Magistrate Judge Lisa Margaret Smith, and she has issued a Report and Recommendation.

Under to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure Rules 72(b) and 6(d), the parties had a right to file objections to the Report and Recommendation within thirteen working days from December 12, 2008. The parties have not filed objections.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” 28 U.S.C. §636(b)(1)(C). To accept a Report and Recommendation to which no timely objection



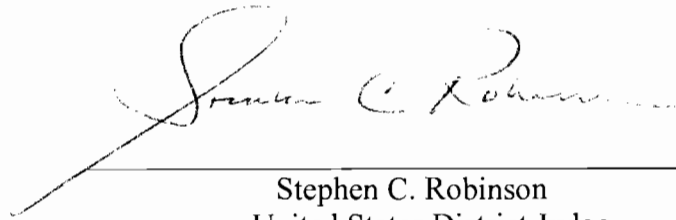
has been made, a district court need only satisfy itself that “there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).

This Court has reviewed Judge Smith’s comprehensive and well-reasoned Report and Recommendation and has determined that there is no clear legal error on the face of the record. Accordingly, this Court adopts the Report and Recommendation.

It is so ordered.

Dated: January 26, 2009

White Plains, New York

A handwritten signature in black ink, appearing to read "Stephen C. Robinson", is written over a horizontal line.

Stephen C. Robinson
United States District Judge